

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: TERRY S. OSBORN, DEBTOR**

**CHAPTER 13**

**CASE NO. 21-12297**

**NOTICE OF OBJECTION TO CLAIM**

**YOU ARE HEREBY NOTIFIED** that an objection to your claim has been filed in the above referenced bankruptcy case. Your claim may be reduced, modified, or eliminated. If you do not want the Court to eliminate or change your claim, a written response to the attached objection to claim must be filed with:

**Shallanda J. Clay, Clerk of Court  
U.S. Bankruptcy Court  
Northern District of Mississippi  
703 Highway 145  
Aberdeen, MS 39730**

and a copy must be served on the undersigned Debtor(s)' attorney and the Chapter 13 trustee on or before thirty (30) days from the date of this notice. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

**DATED: March 24, 2022**

**CHAPTER 13 STANDING TRUSTEE:**

**Locke D. Barkley  
P.O. Box 55829  
Jackson, MS 39296-5829**

/s/ Sarah A. Baker  
**C. GAINES BAKER, MBN #8643  
SARAH A. BAKER, MBN #105797  
Attorney for Debtor(s)**

**C. Gaines Baker & Associates, LLC  
C. G. Baker Building, Suite One  
136 Public Square  
Batesville, MS 38606  
(662) 563-9385**

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: TERRY S. OSBORN, DEBTOR**

**CASE NO.: 21-12297**

**OBJECTION TO CLAIM  
OF DICK SANDERS AND CHARLIE SANDERS [CLAIM #5]**

**COMES NOW**, Terry S. Osborn, Debtor herein, by and through his attorney, Sarah A. Baker, files this Objection to the Proof of Claim of Dick Sanders and Charlie Sanders, 100 Clarice Drive, Holly Springs, MS 38635 and in support thereof, would state the following, to-wit:

1. Debtor filed his Chapter 13 Bankruptcy on December 2, 2021. A §341(a) Meeting of Creditors was held and the Chapter 13 plan has been confirmed (Dkt #26).
2. Debtor's Confirmed Plan, specifically 3.2, provides for the claim to be paid at a value of \$10,000.00 over the plan term at 5.25% a.p.r., the current Till rate in the District at the time of the filing of the bankruptcy petition.
3. On March 21, 2022, Creditor filed its Proof of Claim [Claim #5] with this Court setting forth a total claim of \$18,650.04.
4. The deadline for filing non-government proof of claims was set for February 10, 2022 and had since passed at the time Creditor filed its claim.
5. In addition to being untimely, Debtor would state and show unto the Court that the amount claimed is inaccurate. In Debtor's prior case (20-10960), Creditor filed its Proof of Claim [Claim #7] on July 30, 2020 setting forth a total claim of \$17,565.46.
6. Debtor would assert that payments received by the Creditor since the filing of his prior case were either misapplied or not applied to his principle balance resulting in an excessive claim

in the instant case.

7. Accordingly, Debtor would request that the claim of Creditor be allowed as a secured claim in the amount of \$10,000.00 and that any remaining unsecured portion of the claim be disallowed as untimely filed.

8. Debtor would further request that any alterations to Debtor's plan payment by the Trustee in accordance with Claim #5 be disallowed pending a hearing on the Objection to Claim.

**WHEREFORE, PREMISES CONSIDERED**, Debtor prays that the Clerk of this Court receive and file this his Objection and that upon a hearing hereof, the Court enter an Order reducing the secured claim of the Dick Sanders and Charlie Sanders to \$10,000.00 and disallowing any unsecured claim as the claim was untimely filed.

Debtor prays for general relief.

*Terry S. Osborn*

/s/ Sarah A. Baker

**C. GAINES BAKER, 8643  
SARAH A. BAKER, 105797**

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**IN RE: TERRY S. OSBORN, DEBTOR**

**CASE NO.: 21-12297**

**CERTIFICATE OF SERVICE**

I, Sarah A. Baker, do hereby certify that I have this day electronically filed the above and foregoing Certificate of Service with Notice and Objection to Claim with the Clerk of the U.S. Bankruptcy Court using the ECF system which sent notification of such filing to the following:

Office of the U.S. Trustee - [USTPRegions05.AB.ECF@usdoj.gov](mailto:USTPRegions05.AB.ECF@usdoj.gov)

Case Trustee: Locke D. Barkley - [sbeasley@barkley13.com](mailto:sbeasley@barkley13.com)

and I certify that I have this day mailed by United States Postal Service, first class, postage pre-paid, a copy of the Notice and Objection to Claim to all other affected parties as follows:

Dick Sanders and Charlie Sanders - 100 Clarice Drive, Holly Springs, MS 38635

Dated: March 24, 2022

By: /s/ Sarah A. Baker  
C. Gaines Baker (8643)  
Sarah A. Baker (105797)

***Of Counsel:***

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